

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOEL CURRY, Plaintiff,)
v.) C.A. No. 07-315 Erie
JEFFREY COSLETT, et al, Defendants.)

MEMORANDUM ORDER

Plaintiff complaint was received by the Clerk of Court on November 9, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on July 16, 2008, recommended that that the motion to dismiss filed by Defendant Roberts [document # 11] be granted; that the motion to dismiss filed by Defendant Coslett [document #19] be granted and the motion to transfer by Defendant Coslett be denied; the motion to change venue filed by Defendants Lupas, the District Attorney's Office and Nancy Violi [document # 27] be denied; and the motion to dismiss filed by Defendants Lupas, the District Attorney's Office and Nancy Violi [document # 29] be granted.. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at SCI Forest, where he is incarcerated, and on Defendants. No objections were filed. After de novo review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 11th Day of August, 2008;

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendant Roberts [document # 11] is GRANTED; that the motion to dismiss filed by Defendant Coslett [document #19] is GRANTED and the motion to transfer by Defendant Coslett is DENIED; the motion to change venue filed by Defendants Lupas, the District Attorney's Office and Nancy Violi [document # 27] is DENIED; and the motion to dismiss filed by Defendants Lupas, the District Attorney's

Office and Nancy Violi [document # 29] is GRANTED.

The report and recommendation of Magistrate Judge Baxter, dated July 16, 2008, is adopted as the opinion of the court.


MAURICE B. COHILL, JR.
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____